

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FRASHER,

Petitioner,

2:04-cv-1666-GEB-DAD-P

vs.

TOM CAREY, Warden, et al.,

Respondents.

ORDER

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Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On July 26, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days.

1 Neither party has filed objections to the findings and
2 recommendations.

3 The court has reviewed the file and finds the findings
4 and recommendations to be supported by the record and by the
5 magistrate judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed July 26,
8 2005, are adopted in full;

9 2. Respondents' October 7, 2004 motion to dismiss is
10 granted; and

11 3. This action is dismissed with prejudice because the
12 application for a writ of habeas corpus was filed beyond the one-
13 year statute of limitations.

14 Dated: August 29, 2005

15 /s/ Garland E. Burrell, Jr.
16 GARLAND E. BURRELL, JR.
17 United States District Judge

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